

REMARKS

I. Claim amendments

Claims 1, 9 and 11 are amended. Claim 4 is canceled. Claim 11 is withdrawn.

II. Drawings

A new Fig. 5 is included which includes reference number 504. Accordingly, applicant believes the drawing objection has been addressed.

III. Anticipation of claims 1-5 under 102(e) using Aboulhosn

Claims 1-5 were rejected using Aboulhosn et al., U.S. patent no. 6,938,042 ("Aboulhosn"). The applicant respectfully traverses the rejection. In order for a claim to be anticipated under § 102, the anticipating reference must disclose at least one embodiment that incorporates all of the claimed elements. See, for example, C.R. Bard, Inc. v. M3 Systems, 48 U.S.P.Q.2d 1225, 1230 (Fed. Cir. 1998) ("When the defense of lack of novelty is based on a printed publication that is asserted to describe the same invention, a finding of anticipation requires that the publication describe all of the elements of the claims, arranged as in the patented device") (emphasis added); In re Bond, 15 U.S.P.Q.2d 1566, 1567 (Fed. Cir. 1990) ("For a prior art reference to anticipate in terms of 35 U.S.C. § 102, every element of the claimed invention must be identically shown in a single reference... These elements must be arranged as in the claim under review...") (emphasis added).

CLAIMS 1-3

The Aboulhosn patent cited in the Office action does not disclose any embodiment that includes all the recitations of amended claim 1. Amended claim 1 brings in the limitation that was in previous claim 4, specifically "wherein a graphical representation of the shared file modification is displayed on the computing device used by the at least one other user." The Office action points to several locations in Aboulhosn as disclosing this element.

First, the Office action references Figs. 2 and 3 as disclosing this element. Figs. 2 and 3 illustrate shared folders but neither Figure illustrates "a graphical representation of the shared file modification is displayed on the computing device used by the at least one other

user.” There is no indication or illustration on another user’s display in either Figure that a file has been modified.

Second, the Office action points to column 4, lines 13-23 as disclosing “a graphical representation of the shared file modification is displayed on the computing device used by the at least one other user.” Lines 12-23 describe the display of three computer systems where the computer systems are members of groups. The display for each computer system displays shared folders and even shared subfolders, but does not disclose “a graphical representation of the shared file modification is displayed on the computing device used by the at least one other user” as claimed in amended claim 1.

Third, the Office action points to column 4, lines 49-59 as disclosing “a graphical representation of the shared file modification is displayed on the computing device used by the at least one other user.” Lines 49-59 disclose displaying files as virtual files. There is no disclosure of “a graphical representation of the shared file modification is displayed on the computing device used by the at least one other user” as claimed in amended claim 1.

Finally, the Office action points to column 6, lines 38-40 as disclosing “a graphical representation of the shared file modification is displayed on the computing device used by the at least one other user.” Lines 38-40 disclose that a user is notified if an invitation request is received. There is no disclosure of “a graphical representation of the shared file modification is displayed on the computing device used by the at least one other user” as claimed in amended claim 1.

This missing element is not a minor element but an element that adds to the usability of any peer-to-peer system. By noting on other computing devices that a file has been modified, the usability of the system is greatly increased as the peer-to-peer users will be able to track as files are updated and will refrain from using outdated files.

Accordingly, the element “a graphical representation of the shared file modification is displayed on the computing device used by the at least one other user” is not present in Adoulhosn. Accordingly, the rejection of amended claim 1 must not stand and claim 1 should be allowed.

Similarly, as claims 2 and 3 depend from claim 1 and an element of claim 1 is missing in Adoulhosn, this same element of “a graphical representation of the shared file modification

is displayed on the computing device used by the at least one other user” is missing from claims 2 and 3, meaning claims 2 and 3 should be allowed.

CLAIM 5

Claim 5 contains an element similar to the added element to claim 1 (“a graphical representation of the shared file modification is displayed on the computing device used by the at least one other user.”) In claim 5, the element reads “displaying a second file icon in the shared space display area of the second computing device indicating that the shared file has been updated.” Amended claim 1 uses “modification” while claim 5 uses “updated” to describe that the display indicates on a second computing device that either modification or updating has occurred. Claim 5 is rejected using the same specific Figures and citations to the specification as now canceled claim 4. The Figures and citations were discussed in depth with reference to claims 1-3 and they also fail to disclose the display of a file icon on a second computing device when a file is updated. Accordingly, the rejection of claim 5 must fail and claim 5 should be allowed.

IV. Anticipation of claims 9-10 under 102(e) using Balfanz

Claims 9-10 were rejected using Balfanz et al., U.S. publication no. 2004/0103280 (“Balfanz”). Amended claim 9 has an element added similar to the element from canceled claim 4, specifically adding that “the metadata indicates that the moved file has been modified by the first online member after such file system operation has been performed wherein a graphical representation of the shared file modification is displayed on the computing device used by the at least one other online member of the group.”

Similar to Aboulhosn, Balfanz does not disclose a graphical representation of the shared file modification being displayed on the computing device of another member of the group. Balfanz discloses new files being added to a first user interface but it is unclear whether this file is displayed on additional user interfaces. In addition, there is no disclosure of the claimed element of indicating on a second user interface that a file has been modified.

Hence, as the claim element of “the metadata indicates that the moved file has been modified by the first online member after such file system operation has been performed wherein a graphical representation of the shared file modification is displayed on the

computing device used by the at least one other online member of the group” is not present in Balfanz, the rejection of claim 9 is traversed and the claim should be allowed. In addition, as claim 10 depends from claim 9 and an element is missing from claim 9, claim 10 also has an element missing and should be allowed.

V. Obviousness of claims 6-8 under 103(a) using Aboulhosn in view of Taylor

Claims 6-8 were rejected using Aboulhosn in view of Taylor et al., U.S. patent no. 5,754,306 (“Taylor”). As claims 6-8 depend off claim 5 and as explained above, an element is missing from claim 5, that same element is missing from claims 6-8. Accordingly, as an element is missing from claims 6-8, the rejection has been traversed and the claims should be allowed.

VI. Conclusion

In view of the above amendment, applicant believes the pending application is in condition for allowance.

Dated: July 24, 2006

Respectfully submitted,

By WJ Kramer
William J. Kramer

Registration No.: 46,229
MARSHALL, GERSTEIN & BORUN
233 S. Wacker Drive, Suite 6300
Sears Tower
Chicago, Illinois 60606-6357
(312) 474-6300
Attorney for Applicant